

MINUTES

The Tennessee State Board of Cosmetology held a meeting on April 2, 2007 at 9:00 a.m. CST, in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, H. D. Adcock, Vice Chairman, Hazel Moore, June Huckleby and Judy Golden. Lee Bowles, Judith Jackson and Janet Wormsley were not present.

Others present were: Beverly Waller, Executive Director, Kathryn Wiseman, Staff Attorney and Debbie Gean, Administrative Assistant I.

Chairman Linda Colley called for roll call.

Chairman Linda Colley welcomed new board member Janet Wormsley.

MINUTES

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden to accept the minutes from the March 5, 2007 board meeting. Motion carried unanimously.

FORMAL HEARING

Ms. Sherry R. Guillory Jones – A court reporter was present for this hearing.

APPEAR BEFORE THE BOARD

Callie Leousis – TSU, Director of Continuing Education – Present. Ms. Leousis presented the 2007 Barber & Cosmetology Conference Agenda to the board. Ms. Leousis also had the 2006 evaluation results.

MOTION was made by Ms. Hazel Moore and seconded by Mr. H. D. Adcock to accept the agenda for the 2007 Instructor Seminar. Motion carried unanimously.

Carrie Sedman – Present. Ms. Sedman is present to speak to the board concerning opening a new school. Ms. Sedman previously closed Principals of Success Beauty School in Chattanooga. Ms. Sedman is now opening a new school in Athens. Ms. Sedman has not submitted the required application with 20 complete applicants and the floor plan. Ms. Sedman is also requesting that the board allow her to receive her aesthetician license. Ms. Sedman states that she has had training on the machines and been teaching the machines for five years. Mr. H. D. Adcock suggested letting Ms. Sedman take the examination and see if she can pass, since she has been teaching.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to allow Ms. Sedman to take the esthetics examination. The board voted with three voting yes and two voting no. Motion carried unanimously.

The board also stated that Ms. June Huckleby and Mr. Larry Chadwick, Inspector inspect the school once the Board office receives the required application and bring back the results at the next board meeting.

Susan Lockhart – Consumer Affairs – Present – Ms. Lockhart stated that she had a complaint filed with consumer affairs concerning a manicurist who is asking for a refund on her examination. Ms. Lockhart states that the manicurist had to pay PSI twice to take the exam due to the first time being told that she could not take the exam due to a product she brought to the test site. The manicurist stated that three others had the same product but they only allowed one to test. The manicurist reapplied at the Knoxville test site and was able to test using the same product she previously took to the first test site. PSI stated she would have to get approval from the board in order to receive a refund.

MOTION was made by Ms. Hazel Moore and seconded by Ms. June Huckleby to have PSI refund the manicurist \$70.00. Motion carried unanimously.

ADMINISTRATIVE REPORT

EXTENSION REQUEST

Request for an extension from the 2006 Cosmetology Instructor seminar from Joyce M. West was received in the office. Ms. West has stated in her letter on the reason she failed to attend the seminar was her home had a major fire. She later noted that the fire at her home was in 2005 not 2006. On Friday I received a fax from Ms. West showing she has registered for the Knoxville Continuing Education Seminar. Ms. West registered for the Knoxville Continuing Education Seminar before receiving approval of her extension request from the Board.

MOTION was made by Ms. June Huckleby and seconded by Mr. H. D. Adcock to deny Ms. West her request. Motion carried unanimously.

Request for extension from the 2007 Cosmetology Instructor seminar from Ms. Mary Guylene Vinson was received in the office. Ms. Vinson is going to have a lung transplant and now her body is being prepared for the transplant at Vanderbilt Medical Center.

MOTION was made by Ms. Hazel Moore and seconded by Ms. June Golden to request Ms. Vinson submit physician statement for consideration for extension from 2007 Instructor Seminar. Motion carried unanimously.

Request for extension from the 2006 Cosmetology Instructor seminar from Ms. Rachel Hart was received in the office. Ms. Hart states she was unable to attend due to her four (4) year old son diagnosed with Restrictive Airway Disease. During that time she was taking care of him and taking him back and forth to the doctor.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden to have Ms. Hart send a medical statement and present to the board at the next meeting. Motion carried unanimously.

RECIPROCITY REQUEST

Application for reciprocity from Ms. Aissatou Barry requesting her Natural Hair Stylist license. In the Republic of Guinea she received training at the Institute of Vocational Training Aicha Kaba with specialization as a hair stylist and received a diploma.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore to grant Ms. Barry reciprocity for her Natural Hair Stylist license. Motion carried unanimously.

Application for reciprocity from Maria Audelia Garcia Romero for her Cosmetology license. Ms. Romero is from Mexico. Documents provide she completed 2,459 hours of instruction at Academia Betzabe in Mexico, with no work history.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. June Huckleby to have Ms. Romero take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity from Jennifer Michelle Johnson for Nail Technician license from Georgia. Education was obtained by apprenticeship program with Battlefield Salon and Essentially You. Her Nail Technician license was issued September 7, 2001. Certification shows she completed 1,375 hours in the apprenticeship program. She also obtained her cosmetology license in the apprenticeship program. No work history was provided.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore to deny the request for reciprocity and have Ms. Johnson return to school for her remaining hours. Motion carried unanimously.

Application for reciprocity for esthetics license for Terry Flowers from South Carolina. Certification states license issued February 4, 2003 with 450 hours of instruction in the esthetics curriculum. She is licensed as an esthetics instructor. Complete five (5) year work history not provided.

Work history: Greenville Tech College Cosmetology Department 2005-2006, Healing Hand December 2004 - August 2005, Angels Salon & Day Spa booth rental March 2000 -2002 when salon was sold. Remained the new owner until November 2003.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore to have Ms. Flowers return to school for 255 hours and take the examination. Motion carried unanimously.

Application for reciprocity of cosmetology license for Pamela Diane Pierce from Georgia. Her education is 500 hours at Mid-South Beauty Academy and 3,000 hours in apprenticeship program at Headlines Professional Salon in Georgia. Certification gives initial date of licensing as January 7, 1997 but applicant advised she did an apprenticeship program but not 1,500 hours of schooling as certification stated. Does not have a recent five year work history.

MOTION was made by Ms. Hazel Moore and seconded by Mr. H. D. Adcock to accept 500 hours and have her return to school for the remaining hours. Motion carried unanimously.

Request for licensing from Kerstin U. Ruhner from Germany. Documents state education in Germany as Hairstylist. A letter from Army and Air Force Exchange Services states that she was employed as a concession hair stylist at the AAFES Barber Shop, Coleman Barracks, Germany from April 1987 until July 2006.

MOTION made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to grant Ms. Ruhner reciprocity for her cosmetology license. Motion carried unanimously.

EXAMINATION REQUEST

Request from Ms. Usha Kshatriya to take the cosmetology examination. Certificate provided states she worked or trained at Binny Beauty Parlor in India from January 2, 1988 to February 4, 1990 and she was owner of Radhika' Beauty Parlor and Classes. She had limited information but that was all she could provide.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to have Ms. Kshatriya take the examination and pass to become licensed in the State of Tennessee.

Certification from the State of Alabama for Ms. Cynthia D. Pittman, Managing Cosmetologist, original license issued February 6, 1996 and expiration date of September 30, 1999. Ms. Pittman requested I present her certification to the Board. Ms. Pittman would like the Board to know she tried to renew her license with Alabama Board in 2001. At that time the Board was in disarray and it was a possibility the board was going to disband. She submitted her renewal fee and apparently the fees had increased and it was returned to her and she submitted it back and etc. She does not qualify for reciprocity because she does not have a valid license in another state but she would like to know what the board will require her to do to obtain a license in Tennessee. Her hours of instruction are 1,200. She is going thru the process of applying for disability and has been for a while.

MOTION was made by Ms. Hazel Moore and seconded by Mr. H. D. Adcock to deny her request and have her renew her license in Alabama to active and then reapply for reciprocity in Tennessee or to take the examination. Motion carried unanimously.

Request for retention of hours that have exceeded the seven year period for completion from Ternico Nicole Lewis. She enrolled in Fayette Ware Vocational School August 9, 1999 and completed 800 hours May 20, 2002. She enrolled in Mason Academy October 17, 2005 and completed 768 hours December 1, 2006. Letter states she was not aware of the time period for completion of hours and had transportation problems.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. June Huckeby to have Ms. Lewis take the examination to become licensed in the State of Tennessee. Motion carried unanimously.

Information from Board Member Judy Golden concerning her visit to the PSI practical examination site in Knoxville for observation of the esthetics examination administered by raters. Ms. Golden has noted several things and I would like for her to explain to the board.

Suggested changes – noted by Judy Golden for Esthetics examination

CIB-1. Drapes clients head with clean towel and covers chair with sheet.

1. Proctors Script – to have model change at sanitation point.

CIB-3. Suggest to add to exam on computer to apply proper amount of cleanser or applies proper amount of cleanser.

CIB-9. Suggest – (I.E. Center of face)

Exam on computer – Proper use of vaporizer – Turning it always from client when it is heating to steam because sometimes it blow hot water out before it starts to seam.

CIB-16. Uses large brush w/proper movements on forehead, checks, and sides of neck. (I saw twisting of the wrist with brushes, incorrect movement) the brushes should start at center of forehead and move slowly down and in and out movement and down sides of neck and back keeping contact with the skin. Not around movements the brushes do that.

CIB-19. With appropriate force and wet pad in one hand to hold skin and wipe. Hold skin when moving ventouse over face.

CIB-24. Sprays gauze with atomizer (so it will lay on skin) cover face and use eye pads under gauze.

CIB-21. Use eye pads on eyes before spraying (so it will not get in eyes)

ITEMS FOR PRESENTATION AFTER BOARD PACKETS MAILED

Request for extension from the 2006 cosmetology instruction seminar. Ms. Taylor was granted an extension by the board June 7, 2004 and was required to attend the 2005 and 2006 instructor seminar to maintain her instructor status. Ms. Taylor attended the 2005 seminar but did not attend the 2006 seminar due to health situation with her mother. She is now requesting an extension from the board for the 2006 seminar.

MOTION was made by Mr. H. D. Adcock and seconded Ms. Hazel Moore to request Ms. Taylor send in medical proof and bring back before the board at the next meeting. Motion carried unanimously.

Application for reciprocity of cosmetology license from Denise Michelle Wright from Florida. Hours of instruction in the cosmetology curriculum are 1,003; initial licensing date is October 13, 1998. Her work history is Changes Hair Studio September 1998 to August 1999, Masters Cuts Salon August 1998 to March 2000. Letter from Regis Corporation states she worked at several of their First Choice Haircutters in Port Charlotte consecutively from January 2002 until present. Work history is not consecutive.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore to grant Ms. Wright reciprocity. Motion carried unanimously.

Application for reciprocity of cosmetology license from Jennifer D. Frederick from The Commonwealth of Pennsylvania. Certification states initial licensing date as March 3, 1998. Applicant states she been out of the profession since August 2005 due to her husband in the military. He was stationed in VA for 1 ½ years and she did not want to get a license for that short period of time.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore to request Ms. Frederick submit proof of her husband's military for presentation at the next board meeting. Motion carried unanimously.

Document for review which was in the file of student enrolled in cosmetology school and the school had accepted this document for proof of the high school education. The document was discovered by a board member on the annual inspection.

MOTION was made by Ms. Hazel Moore and seconded by Ms. June Huckleby to deny this form of proof of high school education. Motion carried unanimously.

Letter from Blair Henley, Director of Vocational Education thanking the board for allowing their presentation of the on line cosmetology course at the March board meeting. Also he would like to request a letter from the board stating their support of an on line course in Principals of Cosmetology for presentation to the Tennessee Department of Education.

Notification from Alternative Visions Hair Academy in Chattanooga the school has added Natural Hair Styling to their curriculum.

Application for reciprocity of cosmetology license from Mikyong Hartley from Florida. Hours in the curriculum are 1,200. Work history with Fantastic Sams was January 1998 thru September 2005. Letter explaining she did leave job with Fantastic Sams due to husband deployment to Afghanistan and she had to stay home to take care of 3 year old daughter. After he got back she was unable to work in Montana because she did not have birth certificate from Korea.

MOTION was made by Ms. Judy Golden and seconded by Ms. Hazel Moore to grant reciprocity of her cosmetology license. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida from Ms. Mary Collazo. Education is 240 hours of instruction in the manicurist curriculum and no state board examination. Initial date of licensing May 13, 2002 and only a five year work history provided. I was requested by her husband to present this to the board for consideration of licensing.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to have Ms. Collazo take the examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida from Ms. Amber Bolton. Florida has 1,200 hours of instruction in the curriculum and Ms. Bolton completed an additional 720 hours of instruction in the cosmetology curriculum in the Master's Program at the Aveda Institute. She advised me she did this because she had plans to move to Tennessee.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to grant reciprocity of her cosmetology license. Motion carried unanimously.

Information from Shonell from PSI as to products that have an acceptable odor for use in during the manicurist examination. The three products are Bondex Primer, Clarite Acrylic Liquid and Originail have acceptable odor to use at the test site.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. June Huckleby to accept the list of products from PSI. Motion carried unanimously.

Consent orders totaled \$6,500.00.

Nail First
304D South Broadway
Portland, TN 37148

Violation issued August 13, 2005
Pd \$2,000.00 on 3-12-07

All Star Nails
210 Fort Henry Mall
Kingsport, TN 37664

Violation issued February 18, 2005
Pd \$1,000.00 on 3-13-07

Cali Nails
1600 North Jackson, Suite 216
Tullahoma, TN 37388

Violation issued November 15, 2006
Pd \$500.00 on 3-21-07

Tullahoma Beauty School
211 West College Street.
Tullahoma, TN 37388

Violation issued March 23, 2006
Pd \$3,000.00 on 4-2-07

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden to accept the consent orders. Motion carried unanimously.

STAFF ATTORNEY REPORT

1. Case No.: L07-COS-RBS-2007055015

February 7, 2007 Notice of Violation stated that Respondent cosmetology shop was open for business prior to having an initial inspection conducted. Respondent closed shop until inspection could be completed. The Inspector stated that she returned the next day, conducted the inspection and found the shop to be in excellent condition.

Recommendation: Letter of Warning

2. Case No.: L07-COS-RBS-2007055101

March 17, 2007 Notice of Violation provides that an inspector found an unlicensed individual working and dirty files and buffers at a work station.

**Complaint History: 9/1995 – unlicensed operators - \$1000 civil penalty paid
8/2006 – bedding in shop - \$500 civil penalty paid**

Recommendation: Formal Hearing (\$500 civil penalty)

3. Case No.: L07-COS-RBS-2007055081

March 2, 2007 Notice of Violation provides that Respondent was operating with a shop license that expired on October 31, 2006. Respondent's shop license has not been renewed.

Recommendation: Formal Hearing (\$250 civil penalty)

4. Case No.: L07-COS-RBS-2007055071

March 9, 2007 Notice of Violation provides that an inspector found an unlicensed individual working at Respondent manicure shop and a licensed individual working without a her license posted.

Complaint History: 1/2006 - unlicensed operators - \$500 civil penalty paid

Recommendation: Formal Hearing (\$750 civil penalty)

5. Case No.: L07-COS-RBS-2007055061

March 7, 2007 Notice of Violation states that Inspector found an individual working with a valid Georgia license.

Recommendation: Letter of Instruction

6. Case No.: L07-COS-RBS-2007055051

February 27, 2007 Notice of Violation states that Respondent manicure shop owner allowed her thirteen year old daughter (unlicensed) to work on a client in the spa chair. The child told the inspector that she was not in school that day because she wasn't feeling well.

Recommendation: Close with Letter of Warning – refer to Department of Labor and Workforce Development

7. Case No.: L07-COS-RBS-2007055041

March 17, 2007 Notice of Violation states that inspector found two unlicensed individuals working at Respondent cosmetology shop.

Recommendation: Formal Hearing (\$250 civil penalty)

8. Case No.: L07-COS-RBS-2007055031

March 17, 2007 Notice of Violation provides that inspector visited Respondent manicure shop on a complaint of unlicensed conduct. The inspector observed an individual exit the building through the back door when he entered the shop. The inspector also found dirty files and buffers.

Recommendation: Letter of Warning

9. Case No.: L07-COS-RBS-2007052911

Complainant alleges that Respondent violated T.C.A. §62-4-127(b)(2) [unprofessional, immoral or dishonorable conduct] by taking customer cards containing names, address and phone numbers after giving her two weeks' notice.

Respondent states that she took the information home to send Christmas cards to her clients. Both parties confirm that the cards were returned to Complainant.

Recommendation: Dismiss

10. Case No.: L07-COS-RBS-2007051441

Complainant alleges that she was forced to pay for an incomplete bag of human hair; she was charged a different amount for a service than she was quoted over the phone; there were no licenses posted; stylists were coughing and rubbing their noses while working; stylists were eating foul smelling meat products; she was not allowed to watch any Christmas programming, only obscene videos.

Recommendation: Close with Letter of Warning

11. Case No.: L05-COS-RBS-2005027031 & L07-COS-RBS-2007053081

Notices of Violation provide that on two separate occasions an inspector found eight (8) unlicensed individuals braiding hair at Respondent shop. The only licensed individual is the shop owner. The shop has a valid natural hair styling shop license.

Recommendation: Formal Hearing (\$1000 civil penalty)

12. Case No.: L07-COS-RBS-2007053101

February 15, 2007 Notice of Violation provides that an inspector observed an unlicensed individual practicing manicuring at Respondent manicure shop.

Complaint History: 2/1998 – unlicensed operator - \$500 civil penalty
4/2004 – unlicensed operator - \$500 civil penalty

Recommendation: Formal Hearing (\$1000 civil penalty)

13. Case No.: L07-COS-RBS-2007053051

February 13, 2007 Notice of Violation provides that an inspector observed four (4) unlicensed individuals braiding hair at Respondent natural hair styling shop.

The owner of Respondent shop was also working with an expired personal license.

Complaint History: 10/2004 – unlicensed operator - \$1000 civil penalty
10/2005 – unlicensed operator - \$500 civil penalty

Recommendation: Formal Hearing (\$1000 civil penalty)

14. Case No.: L07-COS-RBS-2007053021

February 16, 2007 Notice of Violation provides that no employee licenses were posted at Respondent shop; however, no employees were present other than the receptionist. The inspector also found a fish tank containing one fish.

Recommendation: Close with Letter of Warning

15. Case No.: L07-COS-RBS-2007053001

February 22, 2007 Notice of Violation provides the inspector observed a licensed aesthetician shampooing a client's hair.

Recommendation: Close with Letter of Warning

16. Case No.: L06-COS-RBS-2006045261

Consumer complainant alleges that her toe became infected after being cut during a pedicure. Upon subsequent inspection the salon was very clean and had no sanitation violations. The shop owner told the inspector that although they did not place blame on the employee who cut complainant, they had fired her. The owner also stated that complainant already had an infection when she came to the salon.

Recommendation: Close with Letter of Warning

17. Case No.: L07-COS-RBS-2007051261

Student claims: no instructor or books on the first day of class; student kits had not been ordered; students spent the first day sitting around; individuals brought in to do presentations were only geared towards cosmetology students; students who were close to graduation had never seen a facial performed although they had been performing them; the instructor is rarely present; students unaware of state board requirements; products provided in student kits are inferior; students are not tested regularly.

Recommendation: Investigation

18. Case No.: L07-COS-RBS-2007051641

We received several student complaints regarding the state of this school. Students complain that there are roaches in the school; files containing student information including social security numbers are left in an unsecured area; equipment is outdated and frequently breaks down. The school only has three students left. The school is not able to keep more than one instructor because the instructors are paid \$9.00 per hour with no benefits. The tuition charged to the students does not cover operating costs. Past inspection scores have been good but a recent visit shows sanitation violations.

Recommendation: Discuss

19. Case No.: L07-COS-RBS-2007055941

March 22, 2007 Notice of Violation states that an aesthetician was working with a license that expired on January 31, 2007; a cosmetologist was working with a license that expired on November 30, 2006; and the salon owner installed a washer and dryer in the bathroom. The cosmetologist has renewed her license; the aesthetician has not.

Recommendation: \$250 consent order – discuss washer and dryer

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore to accept the recommendation, except on #18 changed to Formal Hearing and on #19 the board asked to have a curtain to cover the washer and dryer. Motion carried unanimously.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden to adjourn the meeting. Motion carried unanimously.